

ON THE SOCIAL STANDING OF FREEDMEN AS INDICATED IN THE LATIN WRITERS

PRECEDED BY

A DISCUSSION OF THE USE AND MEANING OF THE WORDS
LIBERTUS AND *LIBERTINUS*

BY

JOHN JACKSON CRUMLEY

PART I

A Dissertation

SUBMITTED TO THE BOARD OF UNIVERSITY STUDIES OF THE JOHNS HOPKINS UNIVERSITY
IN CONFORMITY WITH THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

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INTRODUCTION.

The primary object in this investigation is to collect the materials upon which may be founded an historical survey of the social standing of the Roman freedmen. This aspect of the freedman's life has been touched upon by various modern authorities while dealing with other matters ; but no complete treatment of the subject, which follows the method here attempted, is known to me.

Rome was a state in which slavery was, from first to last, an established institution. Under such conditions, the social standing of any freedman may, in a general way, be taken for granted. The influence of race, of character, of ability, would at best be slight ; and traces of them wherever they occurred, would call for careful examination.

Social position is not necessarily affected by civic rights. For that reason those aspects of the bondsman's life, (to which many scholars have already devoted their attention), are touched upon here only where they appear to have some bearing upon the subject in hand. It was enough that the freedman was a freedman. The question then seems to be whether the effect of this opinion upon the man's social standing varied at all at different times and under changed conditions, and if so, what the causes were.

With this end in view, I have examined the Roman authors from Plautus to Suetonius as well as some of the more important later works, including the law codes. The inscriptions are also important in this connection but it was found necessary to omit them, at all events, for the present.

A necessary preliminary to my investigation is a discussion of the use and meaning of the Roman words for a freedman, *libertus* and *libertinus*. This is the more necessary because the distinction between them is even of greater importance here than it is in any other phase of the subject. This study of *libertus* and *libertinus* must also be prolonged at some length, owing to the fact that discussions of these words began among the Romans themselves, and that no small portion of the modern literature on the duties and privileges of Roman freedmen is affected by differing conceptions of the meaning and value of the words by which they were designated.¹

¹ Only the discussion of the words *libertus* and *libertinus* is herewith presented.

LIBERTUS AND LIBERTINUS IN LITERATURE.

Two words were used by the Romans to designate a freedman, *libertus* and *libertinus*. Both of these appear in the earliest extant Latin literature and both continued throughout the entire history of the language. As regards the meaning and use of *libertus*, there seems to be practically no difference of opinion. Isidor., Orig. 9, 4, 47, defines *libertus* as follows: *Libertus autem vocatus quasi liberatus. Erat enim prius iugo servitutis addictus.* All classical writers, as we shall see below, seem to have used the word in the sense of 'a man that has been freed from slavery,' and modern authorities, so far as I know, give it this interpretation; but they say that it designates the freedman only in relation to his patron or manumittor. Some add that it is either always used with a genitive or a possessive modifier referring to the patron, or that we must mentally supply such a modifier.¹

There is no such unity of opinion concerning *libertinus*, and the discussion of this word dates back to the time of Suetonius. Suet. Claud. 24, *Ignarus temporibus Appii et deinceps aliquandiu libertinos dictos, non ipsos qui manu emitterentur, sed ingenuos ex his procreatos.*

Isidor. Orig. 9, 4, 47. *Libertorum autem filii apud antiquos libertini appellabantur, quasi de libertis nati.*

Acron on Hor. Sat. 2, 3, 281. *Libertinus. liberti filius.*

Schol. on Ter. Adelph. 896, in Hermes 1867, II, 401, (quidam) *libertinos volunt esse iam ingenuos, ut pote de civibus (libertis) Romanis natos.*

Schol. on Ter. Eun. 3, 5, 60, (Schlee, p. 105), *Libertinus filius liberti.*

The writer of the following passages in the Theodosian Code,

¹ Cf. Momm. Staatsr. 3, 422; Smilda, Suet. Claud. 24; Krebs-Schmalz, Anti-barb.; Valla Elegant, iv, 1; and the dictionaries.

though he does not define the terms, may have written under the influence of the passage in Suetonius.

Cod. Theod. 8, 13, 1. Liceat matribus, si impios filios probare se posse confidunt, publice adire iudicia. Matrem autem ingenuam, libertam, libertinam, cui scilicet civitatis Romanæ iura quaesita sunt, ita ut queri antiquo iure poterant accipi audiriue decernimus; itemque filios filias, ingenuos ingenuas, libertos libertas, libertinos libertinas, cives pari condicione Romanos.

Cod. Theod. 4, 6, 2, (Goth.), Ceteris (quæ) de eorum matribus, libertis libertinisque per novam constitutionem decreta sunt.

Claudius in speaking of his ancestor Appius, had used the word *libertinus* in a sense that included manumitted men. Suetonius in the place cited, criticised this use of the word, stating that in the time of Appius, *libertinus* did not mean a freedman himself but the free-born son of a freedman. It should be observed here that Suetonius in this statement is not supported by any other Latin author; and that it is made in criticism of a man who did not take this view of the word. The statement too, is a very bold one and there can be no doubt as to what he meant. It seems to have left a deep impression on the scholars of the late empire and of mediæval times. They not only accepted the statement concerning the preliterate use of the word; but some seem to have adopted and continued this signification; for example in the Theodosian Code, places cited above. It has had the same influence upon scholars of modern times, especially in the field of law.¹

¹ Gothofredus and Haenel both interpret the word in the Theodosian Code in this way and cite Suet. Claud. 24 as authority.

M. Voigt, Ueber die Clientel und Libertinität, chapters 8 and 9, in Berichte d. Kön. Sächs. Gesel. Vol. 30, takes the same view and quotes numerous passages from the classical writers apparently to maintain the idea that the word was used even in the literary period in this restricted sense. (Note the distinction between this narrow signification, the son of a freedman, and the meaning given in this paper, 'freedmen as a class.') The position of Voigt in this article, which appeared in 1878, is certainly untenable, as the examination of the literature made herein will indicate. It seems to me also that H. Lemonnier, Condition Privée des Affranchis aux Trois Premiers Siècles de L'Empire Romain, 1887, pp. 1-12, has shown that Voigt's view is wrong; but Voigt in the second volume of his Römische Rechtsgeschichte, 1899, advocates the same view as in his former

The influence of the Suetonian passage is traceable through the entire period from his day to the present and seems to be at the bottom of the whole discussion. Wherever the question is raised, Suetonius is usually quoted or cited as authority.

The Latin dictionaries are fairly uniform on the meaning and use of *libertus* and on the first meaning of the noun *libertinus*, saying that they both referred to freedmen, that is to manumitted men, but that *libertus* designated a freedman in reference to his manumittor or patron, that *libertinus* designated a freedman without reference to his patron but to his position in society or the state. (This matter will be taken up after we have made an examination of the two words). They are not agreed, however, in regard to the recognition of the statement of Suetonius.

Forcellini, definition 4), App. Claudii aetate, et aliquandiu post libertini dicebantur non iidem ac liberti, sed libertorum filii: qui tamen inter ingenuos postea habiti sunt. (Then quotes Suetonius).

Stephanus, def. 2), Libertinus, qui ex liberto creatus est.

Georges, Zur Zeit des Appius Claudius, 447 d. St. u. noch eine geraume Zeit nachher, bedeutete Libertinus den Sohn eines Freigelassenen, und erst der Enkel eines Freigelassenen hatte die ingenuitas. Unter den Kaisern aber waren Söhne der Freigelassenen gleich ingenui, und die Freigelassenen selbst hatten die Libertinitas, s. Suet. Claud. 24. Libertini iidem qui liberti, a servitute manumissi, cum conditione operarum exhibendarum.

Ducange, for mediaeval Latin, Alias libertini appellantur ex libertis nati.

Freund, 2), (followed by Harper's and White & Riddle), Uebertr., der Sohn eines Freigelassenen, zum Untercheide v. libertus, dem Freigelassenen selbst, (so nur nach einer Angabe des Sueton. u. des Isidor.).

article. On the other hand, Lemonnier seems to have overlooked one of the principal characteristics of *libertinus*, that is, its use to designate a class of men rather than definite individuals. (For the persons that may be included in this class, see later pages in this paper.)

Momm. Staatsr. 3, 422, regards the statement of Suetonius as incorrect and misleading. Smilda, Suet. Claud. 24, thinks there is no reason why we should distrust the statement of Suetonius. Compare also Karlowa, Röm. Rechtsges. I, 354, and Herzog, Gesch. u. System d. Röm. Staatsv., I, 994.

The use of the word in the classical authors will be examined later in this paper, and after we have made a study of the words *libertus* and *libertinus* throughout the entire literature, and also a grammatical study of the forms of both words, we may be able to throw some light on the definition given by Suetonius.

Those who have written on the subject of the freedmen and the two words that the Romans used to designate this class of men seem for the most part to have handled the subject from the legal or political point of view ; and but little has been offered by this class of writers from a philological point of view. It is my desire therefore to make a grammatical study of the forms of the two words, as preliminary to an examination of the words themselves in literature.

THE SUFFIX *-to*.

This form seems to have been used in early times both as a primary and as a secondary suffix : 1) Joined immediately to the root or ground form, as in *altus*. 2) As a secondary suffix joined to adjective, noun or verb stems, as *vetus-tus*, *sceles-tus*, *lega-tus*, *arbus-tum*. *Libertus* belongs to this class. The suffix itself, originally had an active signification,¹ and some of the participial adjectives or participles formed by it remained active even on Italian soil²; as *sci-tus*, *sta-tus*, *cena-tus*; but the most of these forms in Italian times had a passive signification, especially those connected with transitive verbs³; as *da-tus*, *lega-tus*.

A characteristic signification of the forms that contained this suffix seems to have been 'fullness or completed action,'⁴ and it is therefore somewhat like the suffix *-ed* in our past participles. The old verbal adjective was more inclined to take a participial

¹ Cf. Brugmann, *Grundriss* II, 206; *Indogerm. Forsch.* V, 218; Meyer, *Vergleichende Grammatik* II, 303.

² The fact that there was no other active or middle suffix for past action may have in a measure been the cause of this.

³ Brug. *Grund.* II, 206; *Indogerm. Forsch.* V, 97, and 119; Meyer, *Vergl. Gram.* 303.

⁴ Stolz, *Histor. Gram.* I, 530; Brug. *Grund.* II, 206; Meyer, 303.

character in the Italian group than in the other kindred languages;¹ and participles formed immediately from noun stems seem to have been more frequent here than elsewhere.² *Libertus* may therefore be one of such 'improper' participles formed on the stem *liber*.³ But whatever may have been the form to which this suffix was joined in forming *libertus*, the word seems to have followed the usual meaning of fullness or completed action characteristic of these forms, and is passive in its signification.

We would note finally that the class to which our word belongs designates persons or things upon which actions have been performed, the nature of the action being that of the verb with which the form in question is associated: *legatus* is 'a man that has been sent'—an ambassador; *dictum* is 'something said'—a word; *libertus* is 'a man that has been manumitted'—a freedman, and is essentially a noun, the idea of an action performed upon him being an attendant circumstance.⁴

THE SUFFIX *-ino*.

The form *-ino* is nearly always a secondary suffix. There are some words in *-ino* or *-eno* of somewhat doubtful classification, like *dominus*,⁵ *pagina*; but as a purely secondary suffix the form in *-ino* especially is very frequent, and its characteristic use is to form adjectives⁶ with such meanings as 'made of' or 'consisting of,' 'springing from,' 'pertaining to' or 'belonging to the same kind' as that which is denoted by the nouns with which they are connected.

¹ Indogr. Forsch. V. 156.

² Brug. Grund. II, 218.

³ Stolz, 532.

⁴ For additional examples, see Rönisch, *Collectanea Philologa*, p. 195, and the places cited above.

⁵ Brug. Grund. II, 136 and 142; Stoltz, 483; Johansson in Bezz. Beitr. 18, p. 11.

⁶ Stolz, 487 and Brug. Grund. II, 146. For additional examples in *-ino*, see Rönisch, pp. 199-208, and Stolz, pp. 484-486. For treatment of the suffix *-ino* or *-ano* as applied to proper names, see H. Schnorr v. Carolsfeld in *Archiv f. Lat. Lex. u. Gram.* 1, 177-194. Reisig, *Vorlesungen* 1, 237 f., R. S. Radford, *Studies in Honor of Gildersleeve*, pp. 95, 111. (Reviewed by A. Zimmermann, *Woch. f. klass. Phil.* 1904, p. 406 f.)

1) In the sense of 'pertaining to' or 'belonging to': *Agninus lactibus*, (Plaut. Ps. 319), *ferinus*, *aprinus*, *asininus*, *caprinus*, *cervinus*, *equinus*, *hirquinus*, *porcinus*, *taurinus*, *tibinus*, *anguinus*, *pecuinus*, *caninus* *hirundininus*, *leoninus*.

2) With meaning of 'like': *clurinus*, monkey-like, (*clurinum pecus*, Plaut. Truc. 269), *cucurbitinus*, gourd-like, *aquilinus*, *columbinus*, *colubrinus*.

3) In sense of 'composed of': *faginus*, *iuncinus*.

4) With proper names in sense of 'pertaining to' or 'belonging to': *Acacidinus*, *Catulinus*, *Iugurthinus*, *Sibyllinus*.

5) With names of places in sense of 'pertaining to' or 'in the vicinity of': *Latinus*, *Lanuvinus*, *Canusinus*, *Cisalpinus*, *Praenestinus*, *Tiburtinus*.

6) To form adjectives derived immediately from temporal adverbs: *crastinus*, *serotinus*.

7) Joined immediately to verbs: *coquinus*.

We have said that the suffix *-ino* is adjectival in character, and have cited thus far principally adjectives. Nouns are also frequent in this suffix, and a large percentage of them, though technically nouns, show an adjectival coloring in their meaning.

1) By the side of the adjective *agninus* we have the substantive *agnina*, which does not mean 'a lamb' but something pertaining to or belonging to a lamb, that is, its flesh. There is, then, practically as much adjectival coloring in the noun *agnina* as in the adjective *agninus*. Similar nouns are *aprina*, *canina*, *caprina*, *porcina*, *anguina*.

2) There is another class of nouns in which the suffix contains the meaning of 'pertaining to' or 'connected with,' but without the idea of possession as in those just cited: *carnificina*, torture, that is, something pertaining to a *carnifex*; *haruspicina*, pertaining to a *haruspex*, the art of divination; *opificina*, *molitrina*, *tonstrina*, etc.

3) Names of deities: *Statina*, pertaining to standing, the goddess that presided over the standing of children; *Volutina*.

4) Words denoting location: *Austrina*, *Lanuvinum*, *Lanuvinum*.¹

¹ For additional examples, see Rönsch, pp. 199 f., and other authors at places cited under this topic.

The words cited in the lists above are practically all taken from the older Latin authors, Plautus, Varro, Cato and Cicero.

The use of the words *libertus* and *libertinus* seems to have followed closely the shades of meaning indicated by the foregoing study of the suffixes *-to* and *-ino*. *Libertus*, a formation similar to those in *-to* mentioned above, had a meaning of 'the man who has been freed.' It preserved this meaning, as we shall see later, through the entire period of the Latin literature, and is nowhere an adjective. *Libertinus*, like some of those in *-ino* cited above, became both an adjective and a noun, but with a similar adjectival signification in both cases; that is, as an adjective, it meant 'pertaining to freedmen;' as a noun, it contained the suggestion of 'belonging to the freedmen as a class.'

One can not read over the references in which these two words occur without being impressed with the remarkable uniformity of all the authors in their use, and the accuracy with which the respective meanings of both words are observed. True enough, some of the references are without any coloring, but this is the result of the circumstances in question and not of a failure to use the words with their accurate significations. Then also, from the very nature of things, it would sometimes happen that the circumstances concerning the freedman spoken of would be of a nature near the boundary line between the two words; such as is liable to occur with any two words applied to the same general class of objects or individuals. There is another class of references, in which there is nothing either in the sentence itself or in the context to show which was in the author's mind. These naturally can furnish no affirmative evidence, and must be interpreted themselves by the standard set in the places where the meaning is clear. Fortunately, however, these places without any coloring are comparatively few.

After collecting the passages in which the two words occur, and carefully comparing them, we shall see that, *libertus* is essentially a noun, and that *libertinus* is primarily an adjective, and even

when used as a noun, it contains the abstract or general signification indicated by its adjectival suffix ; and that in accordance with these fundamental characteristics, the following distinctions may be noted :

Libertus is specific in its meaning,

Libertinus is general.

Libertus reminds us of a man's former state,¹

Libertinus shows what his present state is.¹

Libertus refers to freedmen as individuals,²

Libertinus refers to them as a class.³

Before continuing the discussion further, I desire to bring together a number of representative passages in which our words occur, and this parallel study of them, I think, will throw considerable light upon their meaning. By being brought together thus in pairs, their distinguishing shades of meaning will become more evident.

Cic. Ver. 2, 1, 47, § 123. P. Trebonius viros bonos et honestos conplures fecit heredes : in iis fecit suum libertum. And in this same section, *Libertus*, nisi ex testamento patroni iurasset, scelus se facturum arbitrabatur.

Libertum and *libertus* each refer to an individual freedman and in the use of the words, it is evident that there is no conception in the mind of the author beyond that one individual freedman. Now compare with this the same chapter, § 124, *Equiti Romano, tam locupleti, libertinus homo sit heres?*

¹ This distinction is given as one that is usually present but not always so.

² I do not mean to say that *libertinus* can not refer to a single man. What I mean is, that when *libertus* is used, a definite man or number of men is designated ; and the statement in question is made concerning that one man or those individual men, (if the word be plural), and does not include any one else. Whereas, when *libertinus* is used, though it may be singular, it refers to a man as belonging to a certain class, and the statement in question is made concerning him as a member of that class ; and, if the occasion demand it, is true of the whole class as well as of himself. For example compare the use of *libertinus* in Cic. Ver. 2, 1, 47, 124 cited on this page. This is, to my mind, the prime distinction between *libertus* and *libertinus* ; and the word 'individual' wherever used in this paper to distinguish between the two words, will be used in this sense.

³ With regard to the personnel of this class, see below, p. 29.

This is a general question and the meaning of *libertinus* here is not confined to that one individual freedman. It includes him, but also includes any other freedman. Can a freedman—that is, any freedman, not one particular individual—be an heir to a Roman Knight?

1) Cic. Cluent. 13, 38. *liberti Asuvi, et non nulli amici . . . in eum invadunt.*

2) Cic. Cat. 4, 8, 16. *Operae pretium est, patres conscripti, libertinorum hominum studia cognoscere.*

1) Cic. Flac. 35, 88. *An similtates nescio quas cum libertis vestris Flaccus exercet?*

2) Cic. Cluent. 19, 52. *Cum illa defensione usus essem, quae in libertinorum causis honestissima semper existimata est.*

1) Cic. Ver. 2, 3, 154. *Venio nunc ad epistolam Trimarchidi, liberti istius.*

2) Cic. Cluent. 47, 132. *Nam Popilium, quod erat libertini filius, in senatum non legit.*

1) Cic. Phil. 13, 5, 12. *libertus Caesaris, agri Lucani possessiones occupavit?*

2) Cic. Phil. 2, 2, 3. *Sed hoc idcirco commemoratum a te puto, ut te infimo ordini commendares, cum omnes te recordarentur libertini generum, et liberos tuos nepotes Q. Fadi, libertini hominis, fuisse.*

1) Cic. Cluent. 22, 61. *quia, cum ipse familiarissime Oppianico usus, libertus autem eius in maleficio deprehensus esset,*

2) Cic. Phil. 3, 6, 17. *ipse ex libertini filia suscepit liberos?*

1) Cic. Caecin. 20, 58. *Tam restitues, si tuus me libertus deiecerit,*

2) Cic. De Leg. 3, 13, 30. *respondisset . . . duo se habere vicinos; superiorem, equitem Romanum; inferiorem, libertinum:*

1) Cic. Att. 14, 5, 1. *Nam ista quidem Caesaris libertorum coniuratio facile opprimeretur,*

2) Cic. Att. 2, 1, 8. *an libertinis atque etiam servis serviamus?*

1) Cic. Fam. 7, 25, 2. ne Apellae quidem, liberto tuo, dixeris.

2) Cic. Att. 7, 4, 1. frugi hominem, ac, ne libertinum laudare videar, plane virum bonum.

1) Plaut. Persa, 82. Hodie illam faciat leno libertam suam.

2) Plaut. Miles, 962. Vah, egone ut ad te ab libertina esse auderem internuntius.

1) Plaut. Miles, 1357, tibi seruire malui | Multo quam alii libertus esse.

2) Plaut. Persa, 839 f. Sed ita pars libertinorumst: nisi patrono qui aduersatust | Nec satis liber sibi uidetur.

1) Plaut. Capt. 735. Inde extra portam ad meum libertum Cordalum

2) Plaut. Miles, 784. Ecquam tu potis reperire forma lepida mulierem, . . . | Inguenamne (h)an(c) libertinam?

1) Plaut. Ps. 176. Quam libertam fore mihi credam

2) Plaut. Poen. 832. Quoduis genus ibi hominum uideas, . . . | Equitem, peditem, libertinum, furem ad fugitiuom uelis,

1) Hor. Sat. 2, 3, 122. Filius aut etiam haec libertus ut ebibat heres.

2) Hor. Sat. 2, 3, 281-2. Libertinus erat, qui circum compita siccus, | Lautis mane senex manibus currebat et unum,

1) Hor. Sat. 1, 1, 99. ad usque | Supremum tempus, ne se penuria uictus | Opprimeret, metuebat, at hunc liberta securi | Diuisit medium,

2) Hor. Sat. 2, 7, 12. Aedibus ex magnis subito se conderet, unde | Mundior exiret uix libertinus honeste,

I have placed these two passages together because of the possible proximity in meaning of the two words. Each has to stand on its own intrinsic meaning for interpretation, that is, *liberta* in the first passage is not accompanied by any modifier such as a possessive pronoun or a genitive to show individuality or relationship to patron. On the other hand, *libertinus* as a noun stands nearer *libertus* than the adjective does. Each is in the singular; and the context does not give a very decided coloring in either

case. Yet it seems to me evident that Horace in the first example, in the use of *liberta*, had in mind the idea of one individual freed-woman; and in the second example, by the use of *libertinus*, he has in mind a man of the freedman class; that the idea is not confined to any individual freedman as in the first case.

1) Caes. B. C. 1, 34, 2. quas Igilii et in Cosano a privatis coactas servis, libertis, colonis suis compleverat;

2) Hor. Sat. 1, 2, 48. Tutior at quanto merx est in classe secunda, libertinarum dico,

1) Livy 45, 44, 19. Solitum libertumque se populi Romani ferre

2) Livy 43, 3, 4. Eam coloniam esse libertinorumque appellari.

1) Cic. Fam. 3, 1, 2. Cilix, libertus tuus, antea mihi minus fuit notus:

2) Livy 4, 3, 7. tanquam servum aut libertinum aliquis consulem futurum dicat?

1) Cic. Fam. 12, 29, 2. si negotia Lamiae, procuratores, libertos, familiam, quibuscumque rebus opus erit, defenderis, gratius mihi futurum,

2) Livy 36, 2, 15. et in eam classem socios navales libertinos legeret.

1) Cic. Fam. 4, 12, 3. Inveni duos libertos et pauculos servos; reliquos aiebant profugisse, metu perterritos, quod dominus eorum ante tabernaculum interfectus esset.

2) Livy 10, 21, 4. sed seniorum etiam cohortes factae libertinique centuriati,

1) Cic. Q. Fr. 1, 1, 4, 13. qui hoc non in beneficii loco, sed in laboris ac muneris non temere nisi libertis suis deferebant

2) Livy 9, 46, 10. qui senatum primus libertinorum filiis lectis inquinaverat,

1) Tac. Ann. 11, 12, 4. servi liberti paratus principis apud adulterum visebantur.

2) Tac. Ann. 11, 24, 7. libertinorum filiis magistratus mandare non, ut plerique falluntur, repens,

1) Tac. H. 2, 57. Postulante exercitu, ut libertum suum Asiaticum equestri dignitate donaret,

2) Tac. H. 2, 8. Libertinus ex Italia citharae et cantus peritus,

1) Tac. Ann. 6, 38, 2. multa et atrocia in Macronem ac praecipuos libertorum Caesaris composuit,

2) Livy 45, 15, 6. in ea Ti. Gracchus pronuntiavit libertinos omnes censi placere.

1) Tac. H. 2, 94. Liberti principum conferre pro numero mancipiorum ut tributum iussi.

2) Livy 45, 15, 1. in quattuor urbanas tribus descripti erant libertini, praeter eos, quibus filius quinquenni maior ex se natus esset,

1) Velleius Pater. 2, 73, 1. Hic adulescens erat studiis rudis sermone barbarus . . . libertorum suorum libertus,

2) Livy 22, 11, 8. libertini etiam, quibus liberi essent et aetas militaris, in verba iuraverant.

1) Tac. H. 2, 92. etiam plebs adprobavit, quod reversis ab exilio iura libertorum concessisset,

2) Tac. Ann. 14, 39, 3. apud quos flagrante etiam tum libertate nodum cognita libertinorum potentia erat :

1) Tac. H. 3, 58. Hortantibus libertis (nam amicorum eius quanto quis clarior, minus fidus) vocari tribus iubet,

2) Tac. H. 3, 58. Equites Romani obtulere operam pecuniisque, etiam libertinis idem munus ultro flagitantibus.

The two words are brought together again here under very similar circumstances. They are in the same chapter, are both nouns, and *libertis* is not accompanied by any genitive or possessive modifier, but the parenthetical remark following *libertis* makes it quite clear that that word is specific or private in its meaning. On the other hand, it is quite clear that *libertinis* in the second citation is more general, not confined to Vitellius' own freedmen but refers to the general class of freedmen.

1) Juv. 2, 59. Notum est cur solo tabulas impleverit Hister Liberto,

2) Juv. 1, 102. Sed libertinus prior est.

1) Val. Max. 2, 6, 6. convictus a patrono libertus ingratus iure libertatis exuitur !

2) Val. Max. 6, 3, 11. Sensit Q. Antistius Vetus repudiando uxorem, quod illam in publico cum quadam libertina . . . loquentem videret.

1) Quint. 6, 3, 81. Afer, cum ageret contra libertum Claudii.

2) Quint. 7, 3, 27. Servus, cum manumittur, fit libertinus, addictus recepta libertate ingenuus :

2) Plin. H. N. 31, 2, 5. nomine accepto a Claudii Caesaris liberto

2) Plin. H. N. 14, 4, 49. Magna fama et Vetuleno Aegialo perinde libertino fuit,

1) Mart. 3, 46, 2. Non eo, libertum sed tibi mitto meum.

2) Mart. 3, 33, 2. Ingentiam malo, sed si tamen illa negetur, |
Libertina mihi proxima condicio est :

1) Suet. Claud. 27. Claudiam ex liberto suo Botere concepit

2) Suet. Aug. 2. M. Antonius libertinum ei proavum exprobrat restionem, e pago Thurino.

1) Suet. Claud. 25. advocatisque ; eorum negavit se adversus liberos ipsorum ius dicturum.

2) Suet. Claud. 25. Libertinos, qui se pro equitibus Romanis agerent, publicavit,

1) Suet. Tib. 19. paucos milites cum liberto suo trans ripam venatum mississet,

2) Suet. Vit. 7. cum libertino cuidam acerbius debitum reposcenti iniuriarum formulam, . . . intendisset,

1) Phaed. 3, 10, 11. Seductus in secretum a liberto est suo,

2) Gell. 5, 19, 11. Libertinos vero ab ingenuis adoptare quidem iure posse Masurius Sabinus scripsit.

Libertinus when used as an adjective gives, of course, a more general coloring than the noun ; that is, there seems to be a greater

difference between it and *libertus* than between the noun *libertinus* and *libertus*. This increased distinction will be evident from the following list of pairs when compared with the preceding list, in which the words, with two exceptions, are nouns.

1) Cic. Fam. 4, 9, 1. cum Theophilus, libertus tuus, proficeretur,

2) Livy 43, 12, 9. In classem mille socii navales cives Romani libertini ordinis, . . . scriberentur ;

1) Cic. Fam. 2, 7, 3. quas Thrasoni, liberto tuo, dedi.

2) Livy 9, 46, 1. scriba, patre libertino, humili fortuna ortus,

1) Cic. Cluent. 17, 49. Is erat libertus Fabriciorum,

2) Cic. Cat. 3, 6, 14. in P. Umbrenum, libertinum hominem.

1) Cic. Cluent. 42, 120. Nunc, si quem Cn. Lentuli aut L. Gelli libertus furti condemnarit,

2) Cic. Balb. 11, 28. de Cn. Publicio Menandro, libertino homine,

1) Cic. Fam. 10, 25, 3. cum Dardanus, libertus tuus, interesset.

2) Cic. Phil. 2, 2, 3. et liberos tuos nepotes Q. Fadi, libertini hominis,

1) Cic. Att. 6, 2, 1. cum Philogenes, libertus tuus . . . venisset,

2) Hor. Sat. 1, 6, 6. me libertino patre natum.

1) Tac. Ann. 13, 23, 3. quippe nominatis libertis eius, quos conscios haberet, respondit

2) Tac. Ann. 2, 85, 5. ut quattuor milia libertini generis . . . veherentur,

1) Tac. Ann. 13, 1, 4. Narcissus Claudii libertus, . . . ad mortem ad igitur,

2) Tac. Ann. 4, 62, 2. Atilius quidam libertini generis, quo spectaculum gladiatorum celebraret,

1) and 2) Tac. Ann. 15, 72, 4. Igitur matre libertini ortus, quae corpus decorum inter servos libertosque principum vulgaverat,

1) Plin. H. N. 25, 2, 7. Pompeius . . . libertum suum Lenaenum grammaticae artis iussit,

2) Plin. H. N. 33, 1, 17. libertino patre alioqui genitus,

1) Plin. Ep. 9, 21. Libertus tuus . . . venit ad me.

2) Val. Max. 2, 5, 2. libertino patre genitus.

1) Mart. 7, 62, 3. Ne quid liberti narrent servique paterni,

2) Mart. 5, 13, 6. Et libertinas arca flagellat opes.

1) Suet. Caes. 76. et imperium Rufini liberti sui filio . . . demandavit.

2) Suet. Aug. 44. cum quosdam etiam libertini generis mitti deprehensit.

1) Suet. Aug. 24. (eum) liberto suo addixit.

2) Suet. Aug. 25. Libertino milite . . . bis usus est.

1) Plin. Ep. 10, 30. Scripsit mihi, Domine, Lycormas libertus tuus.

2) Gell. 5, 19, 12. neque permittendum esse umquam putat ut homines libertini ordinis per adoptiones in iura ingenuorum invadunt.

ADDITIONAL CITATIONS NOT SEPARATELY DISCUSSED.

Libertinus.

Auct. Bell. Afr. 19, 4; and 36, 1.

Auct. Vir. Illustr. (Aur. Vict.), 32, 2; 34, 1; 57, 3; 72, 5.

Cic. Balb. 25, 56; Sest. 45, 97; Sest. 52, 10; Mil. 12, 33; Att. 7, 4, 1.

Quint Cic. De Pet. Cons. 8.

Gell. 5, 19, 12.

Hor. Epod. 14, 15; Ode, 1, 33, 15; Sat. 1, 6, 45; 1, 6, 46.

Livy, 22, 1, 18; 39, 12, 1; 39, 13, 2; 74; 84.

Lucil. 26, 455, (Baehrens).

Macrob. Sat. 1, 1, 12; 1, 6, 13 (2 times); 1, 6, 14; 1, 11, 32 (2 times).

Petron. *Cena Trim.* 38.

Plin. *H. N.* 14, 4, 48; 15, 14, 50.

Quint. *Inst.* 5, 10, 6; 11, 1, 86; 11, 1, 88; *Declam.* 311 (2 times).

Script. *Hist. Aug.* (Peter), Vol. I, pp. 11; 102; 103; 114; 261.
Scholia:

Acron et Porph. on *Hor. Sat.* 2, 3, 281;

Orelli and Baiter, Vol. V, Part I, pp. 221; 330; Part II, pp. 46; 52; 64; 66; 193; 199; 346; 410; 426.

Sen. *Dial.* 7, 24, 3; 5, 15, 1; *Ep.* 27, 5; 31, 11; 44, 6; 86, 7;
Nat. Quaest. 4, praef. 7; 1, 17, 9.

Suet. *Claud.* 24 and 26; *Dom.* 7; *Gram.* 10 and 17; *Otho*, 2;
Vit. 2;

Suet. *Reliq.* (Reiff.) pp. 35; 36; 44; 386.

Tac. *Ann.* 14, 55, 7; *Hist.* 3, 58; *Ger.* 24 and 25.

Libertus.

Auct. Bell. Alex. 55, 3; *Hisp.* 33.

Cic. *Q. Caecil.* 17, 55; *Caecin.* 6, 17; 20, 57; 20, 63; *Cluent.* 16, 47; 17, 49; 22, 60; *Flac.* 35, 87; 35, 88 (2 times); 36, 89; 4, 10; *Mil.* 33, 89; *Pis.* 25, 61; *Sex. Rosc.* 8, 22; 45, 130; 49, 141; *Scaur.* 2, 10–12 (3 times); *Sest.* 35, 76; *Ver.* 2, 1, 47 (2 times); 2, 3, 157 (2 times); 2, 4, 8; *Paradox.* 6, 46 (2 times).

Cic. *Att.* 1, 12 (3 times); 3, 15, 1; 3, 15, 3; 3, 17, 1; 5, 20, 7; 6, 2, 2; 10, 7, 2; 10, 18, 1; 11, 6, 7; 11, 13, 1; 13, 2, 2; 13, 14, 1; 13, 33, 1; 13, 37, 1; 13, 52, 2; 14, 5, 1; 14, 9, 1; 14, 17, 1; 16, 4, 1; *Fam.* 1, 3, 2; 3, 1, 1; 3, 8, 5; 3, 8, 8; 6, 10, 1; 7, 14, 1; 7, 23, 3; 8, 7, 1; 12, 26, 2; 13, 14, 2; 13, 16, 1; 13, 21, 2; 13, 23, 1; 13, 23, 2; 13, 60 (2 times); 13, 69, 1; 13, 70; 14, 4, 4; *Q. Fr.* 1, 2, 16; 1, 3, 4.

Q. Cic. De Pet. Cons. 5, 17.

Gell. 6, 3, 8; 10, 1, 7; 13, 9, 1; 15, 6, 2; 17, 16, 2; 4, 10, 6.

Juv. 7, 43; 6, 146; 5, 28.

- Macrob. Sat. 1, 11, 17; 1, 11, 18 (3 times); 2, 1, 12; 2, 4, 24 (2 times); 7, 3, 13.
- Mart. 3, 46, 12; 6, 28, 1; 6, 29, 4; 13, 121, 2; 1, 2, 7; 2, 32, 4; 11, 39, 15; 10, 34, 4.
- Pers. 6, 23.
- Petron. Cena Trim. 38; 41; 45; 71; 76; 141.
- Phaed. 3, 10, 11; 3, 10, 44.
- Plaut. Asin. 652; Per. 491; 797; Poen. 164.
- Plin. H. N. 1, 11; 6, 22, 84; 7, 16, 75; 12, 1, 12 (2 times); 13, 15, 93; 13, 15, 94; 17, 17, 122; 25, 2, 5; 35, 7, 52; 36, 7, 60.
- Plin. Epist. 2, 6 (5 times); 2, 11; 2, 17; 4, 11; 5, 19; 6, 31; 7, 6; 7, 11; 7, 14; 7, 24; 7, 27; 8, 6 (3 times); 8, 14 (4 times); 9, 24; 9, 34; 10, 5 (2 times); 10, 32; 10, 38; 10, 51; 10, 52; 10, 87; Pan. 88 (4 times).
- Quint. Inst. 1, 2, 5; 6, 3, 5; 6, 3, 81; 6, 3, 84; 7, 7, 9 (3 times); 10, 7, 31; 11, 1, 66; Declam. 318; 388 (15 times).
- Rhet. Lat. Min. (Halm), pp. 201; 329; 486.
- Sal. Cat. 50 (2 times); 59.
- Scholia :
- Acron et Porph. on Hor. Sat. 2, 3, 281.
- Orel. and Bait. V, pp. 47; 49; 51; 56; 145; 194; 309; 424; 437.
- On Ter. (Schlee), pp. 81; 83; 105.
- Script. Hist. Aug. 1, 15, 9; 1, 16, 1; 1, 21, 2 (3 times); 3, 11, 1 (2 times); 4, 11, 8; 4, 15, 2; 4, 20, 5; 5, 8, 6; 5, 8, 8; 5, 9, 5; 5, 10, 5; 7, 7, 2; 7, 14, 7; 8, 13, 9; 10, 20, 1; 13, 4, 3; 17, 11, 1; 18, 3, 2; 18, 21, 4; 26, 36, 4; 26, 50, 3; 29, 6, 2; 29, 7, 6.
- Sen. Dial. 5, 35, 1; Apocol. 6, 2; 13, 5.
- Serv. on Aen. 8, 179 (2 times); 11, 143; Buc. 10, 1.
- Suet. Caes. 27; 48; 75; Aug. 45; 65; 67 (2 times); 72; 79; 101; Tib. 76; Calig. 12; 39; Claud. 13; 25 (2 times); 28; 37; 40; 43; Nero, 5; 22; 23; 29; 34; 35; 47; 48; 49; Galba, 4; 10; 14; 15; 20; Otho, 6; 7; Vit. 14 (2 times); Tit. 2; Dom. 8; 14; 17; Gram. 5; 6; 11; 12; 15; 16; 20 (2 times).

Suet. Reliq. (Reiff.) pp. 62; 135; 136 (2 times); 386; 417; 432; 503.

Tac. Agr. 19; 25; 40; 41; 43; Ann. 2, 31; 3, 15, 5; 4, 6, 7; 4, 23, 1; 6, 21, 1; 11, 33, 21; 11, 35, 1; 11, 36, 3; 11, 37, 4; 11, 37, 5; 12, 1, 1; 12, 25, 4; 12, 53, 1; 13, 1, 3; 13, 2, 4; 13, 12, 1; 13, 19, 4; 13, 21, 2; 13, 21, 7; 13, 26, 1; 13, 26, 3; 13, 27, 6; 13, 27, 7; 13, 44, 7; 13, 47, 2; 14, 2, 2; 14, 2, 3; 14, 3, 5; 14, 6, 1; 14, 7, 6; 14, 10, 5; 14, 39, 1; 14, 45, 4; 14, 65, 1; 15, 35, 3; 15, 45, 6; 15, 54, 1; 15, 55, 1; 15, 55, 3; 15, 64, 1; 15, 72, 4; 16, 5, 5; 16, 8, 1; 16, 10, 2; 16, 10, 3; 16, 10, 5; 16, 12, 2; 16, 23, 1; Dial. 7; 13; 17; Hist. 1, 4; 1, 7; 1, 13; 1, 22; 1, 25; 1, 27; 1, 49; 1, 58; 1, 87; 2, 49; 2, 53; 2, 54; 2, 65; 2, 65; 2, 91; 3, 12; 3, 47; 3, 74; 4, 59; 5, 9.

Ter. Andr. 37; Eun. 608.

Varro, De Ling. Lat. 8, 83; Sat. Men. Bim. 3.

Vell. Pater. 2, 70, 2; 2, 73, 1 (2 times); 2, 71, 3.

The frequency with which our two words are used by the Latin authors, as collected for this paper, is as follows:

Ateius Capito, libertus 1, libertinus 1.
 Auct. Bell. Afr., libertinus 2.
 Auct. Bell. Alex., libertus 1.
 Auct. Bell. Hisp., libertus 1, libertinus 1.
 Auct. Vir. Illustr. (Aur. Vict.), libertinus 3.
 Caes. B. C., libertus 1.
 Cael. to Cic., libertus 1.
 Cic., libertus 97, libertinus 19.
 Cic. Q., libertus 1.
 Codex Gregor., libertus 7.
 Codex Iustin., libertus 100, libertinus 19.
 Codex Theod., libertus 16, libertinus 8.
 Dig. Iustin., libertus 824, libertinus 53.
 Frag. Vat., libertus 20, libertinus 1.
 Gaius Inst., libertus 43, libertinus 10.

Gell.,	libertus 6,	libertinus 3.
Horace,	libertus 3,	libertinus 9.
Inst. Justin.,	libertus 41,	libertinus 12.
Isidor. Orig.,	libertus 1,	libertinus 1.
Iurispr. Ante-Hadrian.,	libertus 13,	libertinus 4.
Juv.,	libertus 4,	libertinus 1.
Livy,	libertus 1,	libertinus 20.
Lucil.,	libertinus 1.	
Macrobi.,	libertus 7,	libertinus 8.
Mart.,	libertus 10,	libertinus 2.
Mos. et Rom. Leg.,	libertus 1,	libertinus 8.
Paul. Iul.,	libertus 32.	
Pers.,	libertus 1.	
Petron.,	libertus 5,	libertinus 1.
Phaed.,	libertus 2.	
Plaut.,	libertus 21,	libertinus 4.
Plin., H. N.,	libertus 15,	libertinus 5.
Plin. (Minor),	libertus 41.	
Quint.,	libertus 27,	libertinus 4.
Rhet. Lat. Min.,	libertus 3,	libertinus 2.
Sall.,	libertus 3.	
Scholia,	libertus 14,	libertinus 17.
Script. Hist. Aug.,	libertus 26,	libertinus 5.
Sen., L. A.,	libertus 3,	libertinus 10.
Serv. on Verg.,	libertus 4.	
Suet.,	libertus 72,	libertinus 27.
Tac.,	libertus 102,	libertinus 13.
Ter.,	libertus 2,	libertinus 9.
Ulp. Reg.,	libertus 21,	libertinus 6.
Val. Max.,	libertus 1,	libertinus 3.
Varro,	libertus 3,	libertinus 3.
Vell. Pater.,	libertus 4.	
Total for the literature,	libertus 483,	libertinus 163.
Total for the law codes,	libertus 1119,	libertinus 122.
Grand total,	libertus 1602,	libertinus 285.

Fortunately, a large portion of the references from the classical

writers, about one-fourth of the entire list, occurs in the works of Cicero; and nearly half of these in the Orations, where we may expect the observance of the exact meaning of words. Both words are frequent here, while in the letters, *libertinus* occurs only three times to fifty-four for *libertus*. The circumstances and the subject matter of the Orations and the Letters naturally cause this contrast. It is significant also that Livy uses *libertinus* almost exclusively, and that just the opposite is true of Pliny the Younger. Livy's subject matter and manner of treatment call for classes of men; Pliny discusses individuals.¹

In the examples quoted above *libertus* is sometimes used with an accompanying genitive or possessive pronoun referring to a patron. In other instances there are no such qualifying words and the freedmen in question are spoken of as so many individuals, with no suggestion of a patron. On the other hand there are a few quotations containing *libertinus* where there is a direct reference to the patrons of the freedmen in question. But in every instance where *libertus* is used, a definite individual or a given number of individuals is spoken of, they are men that have been manumitted, and the word includes only those specific persons; whereas when *libertinus* is used, the thought is primarily adjectival and even when the word is a noun, it still has the adjectival coloring and refers to men as belonging to a certain class.

That *libertus* designates a freedman in reference to his patron is a truth but not the whole truth; in other words, this is only one of the distinguishing features of *libertus*. It is, however, an attendant circumstance rather than a primary characteristic, a result rather than a cause.

The feature of individuality, of 'the man that has been freed' naturally carries with it the conception of 'freedman in relation to his patron' and this conception is in the majority of cases, but not in all, present either in the sentence itself or may be inferred from the context when *libertus* is used, but very frequently can only be inferred. But in many of the examples of *libertus*, while the presence of the patron may be inferred from the context, that does

¹ See footnote on page 11.

not seem to me to be the cause why *libertus* is used. The real cause seems to lie in the fact that definite individuals are referred to and the word used includes only those specific persons. They are spoken of too as citizens; that is with the idea of the presence of a patron no more prominent than is frequently the case when *libertinus* is used. The meanings in many instances are: a freedman, the freedman, his freedman, Caesar's freedman, etc.

In many instances where *libertus* is used, even without a qualifying pronoun, it may be translated his freedman, your freedman, etc., but this is not always so; for the person in question is sometimes some other man's freedman, that is, is not the freedman of the speaker or of the principal character in the sentence; as in

Plaut. Asin. 411. Hodie salvere iussi Libanum libertum?

The speaker here is not the patron. The patron is not on the stage and is not thought of. There is no more suggestion of him than if *libertinus* had been used. The idea seems to be, "Do I greet Libanus the freedman?" Note that the expression here "the freedman" (*libertus*), stands very close to the thought, 'a man of the freedman rank,' which would be *libertinus*. By the use of *libertus*, the thought of the manumission is made prominent, the substantive feature is strong, and only this one individual is included in the word.

There are places also where it is evident from the context whose freedman a given individual is, and yet it is clear that the author did not intend to express this relation, and we would not be justified in supplying the possessive pronouns in such places; the meaning being the freedman or that freedman rather than his freedman. cf. Cic. Ver. 21, 47, 123. *Libertus iurat.* and *at ille libertus . . . scelus se facturum arbitratur.* Cic. Scaur. 6, 12. *Confirmata vero suspicio est, quod anu mortua libertus statim tamquam opere confecto Romam est profectus, Aris autem, simulac libertus de morte uxoris nuntiavit, continuo Romae matrem illam Bostaris duxit uxorem.*

Libertus here designates a man who has been freed. It is restricted to a single individual, but he is spoken of as a citizen, that

is, not as the freedman of Aris. He probably owed no obligations or respects as a freedman to Aris as a patron. These respects were due to the wealthy old woman, the wife of Aris, whom it was thought he had killed.¹

Tac. Ann. 13, 12, 1. Ceterum infracta paulatim potentia matris delapso Nerone in amorem libertae, cui vocabulum Acte fuit. Compare also Cic. Fam. 4, 12, 3, and Hor. Sat. 2, 5, 71. This use of *libertus* is not infrequent.

There are places also where it is not clear whose freedman is referred to ; and all that *libertus* does is to point out certain individuals, indicating their class, speaking of them in the same manner that they would be spoken of if they had no patrons. Cic. Flac. 20, 47. Interim, neque ita longo intervallo, libertus a Fufiis cum letteris ad Hermippum venit. Suet. Vesp. 23. Et de Cerylo liberto, qui dives admodum ob subterfugiendum quandoque ius fisci, ingenuum se et Lachetem mutato nomine coeperat ferre. Compare also Cic. Att. 6, 1, 21 ; Tac. Ann. 2, 12 ; Tac. Ann. 6, 24, 2 ; Suet. Tib. 23.

Again there are places where *libertus* seems to have a signification almost as general as *libertinus*, and yet we can not say that the idea of freedman as a class and not individual freedmen was in the author's mind. Compare

Tac. H. 4, 11. Asiaticus enim (is libertus) malam potentiam servili supplicio expiavit.

Tac. H. 1, 46. In Marcianum Icelum ut in libertum palam animadversum.

Suet. Nero 32. Ante omnia instituit ut e libertorum defunctorum bonis pro semisse dextans ei cogeretur, qui sine probabili causa eo nomine fuissent, quo essent ullae familiae, quas ipse contingeret :

These men are spoken of simply as citizens. There is no more suggestion of relationship to patron than if *libertinus* had been used. The knowledge that each of these men had himself once been a slave probably leads to the use of *libertus*.

As noted above, the concept of 'relation to patron' is sometimes

¹ See sections 9-12 of this chapter.

present when *libertinus* is used, as for example in Cic. Sex. Rosc. 7, 19, Occiso Sex Roscio primus Ameriam nuntiat Mallius Glaucia quidam, homo tenuis, libertinus; cliens et familiaris istius T. Roscii. Note here the words *libertinus*, *cliens*, *T. Roscii*. Compare also the following:

Cic. Cluent. 19, 52. Cum illa defensione usus essem quae in libertinorum causis honestissima semper existimata est, Scamandrum patrono esse probatum fatebatur, sed querebat, cui probatus esset ipse patronus.

Plaut. Persa, 839. Sed ita pars libertinorumst: nisi patrono qui advorsatust | Nec satis liber sibi videtur nec satis frugi nec sat honestus. Some *libertini* do not seem to feel free enough unless they can abuse their patrons.

Suet. Claud. 25. Libertinos, qui se pro equitibus Romanis agerent, publicavit. Ingratos et de quibus patroni quererentur, revocavit in servitum.

For similar use of *libertinus* see Cic. Ver. 2, 1, 47; Livy 41, 8, 10; Suet. Caes. 2; Suet. Calig. 16; Suet. Gram. 5 and 18; Suet. Rhet. 3.

The practice, therefore, of distinguishing the two words on the question of relationship to patron is open to objection on account of the numerous exceptions on the part of both words. The most that we may say of this feature is, that in the majority of cases, *libertus* carries with it the idea of relationship to patron, but as a result or an attendant circumstance, and *libertinus* usually does not; but to my mind the clearest distinction between the two words is the one stated above: that *libertus* designates freedmen as individuals, persons that have been manumitted; while *libertinus* refers to them as a class. There are practically no exceptions in the use of the two words as thus distinguished.

It may be observed that a number of the authors have set phrases that they are fond of using when the adjective *libertinus* is employed. In every instance where Cicero uses the word as an adjective, it modifies the word *homo*, (one possible exception where it may be either a noun or an adjective), and it seems to mean 'a man of the freedman rank.' Livy's phrase is *libertini ordinis*. Tacitus is fond of *libertini generis*, with apparently the same

meaning as that found in Cicero. Tacitus and Suetonius never use *homo* with the word, though they use the adjective with *mulier* and *matre*. In all the four places in Horace, where it is clearly an adjective, we have *libertino patre natum*.

In all the times in question, there naturally existed at Rome freedmen and their sons born after the manumission of the father, and the more remote descendants of freedmen long since dead. Now, where were the descendants of freedmen classed socially? Is it not probable that some of the thrusts made at the *libertini* include them? Are some of them probably included in Livy's *libertini ordinis*?

Tac. Ann. 13, 27, after enumerating the different duties or offices into which freedmen had been placed, remarks: *plurisque senatoribus non aliunde originem trahi: si separarentur libertini manifestam fore penuriam ingenuorum*.

The words *aliunde originem trahi* here certainly leave the impression that in the use of *libertini* fol., Tacitus had in mind the descendants of freedmen as well as the freedmen themselves. *Libertini* and *ingenuorum* here may each have two interpretations, a strict and a liberal one. *Libertini* may mean strictly *manumissi*, or may include both *manumissi* and the descendants of *manumissi*; while *ingenuorum* may mean strictly those whose ancestry was in no way tinged with slavery, or may include these and also the free-born descendants of *manumissi*. If *ingenuorum* has the strict sense, then *libertini* must include the other two classes, that is, the freedmen themselves and the descendants of freedmen. If *ingenuorum* is interpreted in the liberal sense, that is to include free-born descendants of freedmen, this would leave only the *manumissi* to be included in the word *libertini*. This would make Tacitus say that if the ex-slaves were taken out, those left, (composed of the strictly free-born and the descendants of freedmen), would be few. This, it seems to me, would make his statement entirely too rash and more exaggerated than the state of things at that time would justify; and is an interpretation unnecessarily extreme. It seems to me therefore a much more reasonable interpretation to allow *libertini* to include the two classes, the freedmen themselves and the descendants of such. The passage would then mean, 'if

men belonging to the rank of freedmen,' that is, *manumissi* and the descendants of *manumissi*, 'were taken out, the strictly free-born would be noticeably scarce.' It should be noted, too, that this interpretation is quite in harmony with the adjectival meaning of the suffix *-ino* pointed out above.

Cic. Phil. 2, 2, 3,¹ shows that there was a social stain attached to the grandson of a freedman, (*nepotes libertini*), and Suet. Aug. 2² says that Marcus Antonius made a contemptable thrust at Augustus by telling him that his great-grandfather was a freedman, (*libertinum*). Horace, though free-born, was frequently snubbed because his father was a *libertinus*. The same was true of Cn. Flavius. It seems that the Vitellii, according to the most probable account, belonged to this class of men³; and Quintus, one of the sons of Publius Vitellius, was deprived of his rank of senator.⁴ But Quintus was not a *manumissus*. His father Publius may not have been. The stain on his name was found in the fact that most people of his day believed that the founder of the family was a freedman.

Auct. Vir. Illustr. 34, 1, (Aur. Vict., see Teuffel 414). Appius Claudius Caecus in censura libertinos quoque in senatum legit. (Note the use of *libertinos* here without *filius*.)

Auct. Vir. Illustr. 32, 2. Censor libertinos tribibus amovit.⁵
Auct. Vir. Illustr. 57, 3. Censor⁶ libertinos, qui rusticas tribus occuparent, in quattuor urbanas divisit.

Concerning these three quotations from the author of the *De Viris Illustribus*, we notice first that he uses *libertinos* in speaking of the same persons that Livy, 9, 46, 10 refers to with *libertinos filii*,⁷ *qui senatum primus libertinorum filii lectis inquinaverat*.

The Question then naturally arises; did the author of the *De Vir. Illustr.*, under the influence of Suetonius, use the word in the

¹ Quoted on page 12.

² Quoted on page 16.

³ Suet. Vit. 1.

⁴ Suet. Vit. 2.

⁵ The censor here was Q. Fabius Rutilius. Livy, 9, 46, 14 records the same circumstance, where he calls this class of men '*forensem turbam*.'

⁶ Tiberius Gracchus, cf. Livy, 45, 15, 6, and Cic. De Or. 1, 9.

⁷ Voigt, Ueber d. Clientel u. Libertinität, l. 1. thinks the author of the *De Vir. Illustr.* misunderstood the meaning here, because he used *libertinus* without *filius*.

restricted sense of the son of a freedman? In the other two places quoted, that is, 32, 2 and 57, 3, this author uses *libertinos* in the same sense as Cicero and Livy do in referring to the same circumstance of removing the freedmen into separate tribes.

By giving the word the liberal or adjectival meaning, as indicated above, the difficulty referred to in 31, 1 is avoided, and the author seems to follow the late classical use of the word. The three passages then are in harmony with each other, and with the passage from Tacitus, (Ann. 13, 27), and show a very liberal use of the word *libertinus*.

During our Civil War, there was created in connection with the War Department of the United States Government a "Freedmen's Bureau." The object of this Bureau was to aid the *freedmen* of the southern states. At the time of the organization of this Bureau, there were Negroes in the southern states, who were not ex-slaves, and yet they came under the protection of this Bureau.

There is in operation at the present time in this country, a fund known as "The John Slater Fund for the Education of *Freedmen*." It is well known that this fund, even from its foundation, aided free-born descendants of freed-men as well as freed-men themselves. The use of the word freedmen in these two instances is a parallel to this use of *libertinus* among the Romans.

From the passages quoted above, it is evident that *libertinus* must include men that were once slaves. We have seen also that there were places where the writers, in the use of this word, seem to have had in mind the descendants of freedmen as well as *manumissi*. We must, therefore, attribute to the word a meaning that will cover both of these conditions. This offers, however, no particular difficulty. On the other hand, it is the most natural meaning that the derivation of the word would indicate. We have seen above that its adjectival suffix gives the word the meaning of 'pertaining to' or 'belonging to the class of freedmen.' This meaning very clearly fulfils both of the above requirements.

Before returning to the question raised by Suetonius, I desire to quote some representative passages from the Latin authors to establish that characteristic of *libertinus* that we have not yet

emphasized, but taken for granted, that is that it must include manumitted men.

Plaut. Miles, 962. Quid ea? ingenuan an festuca facta e *serva liberast?* | Vah, egone ut ad te ab libertina esse auderem internuntius?

Cic. Ver. 2, 1, 123-124. P. Tribonius viros bonos et honestos complures fecit heredes: in iis fecit *suum libertum* Equiti Romano, tam locupleti, libertinus homo sit heres?

Hor. Sat. 2, 3, 281-286.

Libertinus erat, qui circum compita siccus, (281)

Lautis mane senex manibus currebat et unum (282)

. mentem, nisi litigiousus, (285)

Exciperet *dominus*, cum venderet. (286)

Livy 39, 9, 5. Scortum nobile, libertina Hispala Facenia, non digna quaestu, cui ancillula assuerat, etiam postquam *manumissa* erat, eodem se genere tuebatur.

Tac. Ann. 12, 53, 5. quo libertinus sestertii ter miliens possessor antiquae parsimoniae laudibus cumulabatur. (*Libertinus* here refers to Pallas, who was a manumitted man.)

Suet. Claud. 25. Libertinos, qui se pro equitibus Romanis agerent, publicavit. Ingratos et de quibus patroni quererentur, *revocavit in servitutem*.

Compare also Plaut. Persa 839; Cic. Cat. 4, 8, 16; Livy 43, 3, 4; Livy 41, 8, 10; Livy 45, 15, 6; Suet. Gram. 5; Suet. Rhet. 3.

From the passages quoted above, it is quite clear that the conception in the mind of the authors was that of persons who had been freed from slavery; and in some of them, it is a single freedman in question, about whom it is definitely stated that he had once been a slave. From these there can be no doubt that during the literary period, the word *libertinus* included *manumissi*, and that this is true at the beginning of the period in the time of Plautus as well as in the time of Tacitus and Suetonius.

I repeat here the quotation from Suetonius Claudius 24. Ignarus, temporibus Appii et deinceps aliquandiu libertinos dictos, non ipsos qui manu emitterentur, sed ingenuos ex his procreatos.

I have already noted that this statement of Suetonius had a marked influence on the writers of the late empire as well as of mediaeval and modern times, and that it is frequently accepted without question.¹ As we have seen also, the most of the dictionaries apparently accept the statement. Freund, however, seems to discredit it somewhat by inserting after his definition the parenthesis, (so nur nach einer Angabe des Sueton. u. des Isidor).

It has been noted above that Plautus unquestionably used *libertinus* in a sense to include a *manumissus* and that that use continued uninterrupted from his day to the time of Suetonius, and even later. Now since the date of Plautus is only about a hundred years after that of Appius, (Suet. l. c.), the *deinceps aliquandiu* at most can not designate a very long time. It should be noted too that Suetonius used the expression to correct Claudius, who understood that *libertinus* in the time of Appius meant a freedman.

The crux then of this whole discussion is the statement of Suetonius, (Hadrian's time), that in the time of Appius Claudius and *deinceps aliquandiu*, *libertinus* equaled, not *libertus* but *liberti filius*. This plain categorical statement without modification or citation of authority, indeed, quite as though it was a matter familiar to the educated public, has no parallel and absolutely no support in literary reference or literary use previous to his time.² No one, however, who is acquainted with the temper and habits of Suetonius will believe that he made this statement rashly or on his own authority. He had one or more good, or in his opinion good, authorities.

The only way now, by which we might hope to throw any light on the question of what those authorities might have been, is to subject the post-Suetonian passages in question to a rigid and

¹ See pages 5 and 6 with foot notes.

² Varro, in the *De Lingua Latina*, says nothing about any pre-literary meaning of the word, and uses it himself in 8, 83, cited above, where it is clear that he had in mind a man that was once in slavery. It should be noted also that Claudius used the same kind of expression that Livy, 9, 46, 10 does in referring to the same circumstance, and there is no evidence that Livy intended that the word here should have a meaning entirely different from that found elsewhere in his works.

searching examination. Upon doing so, we find that they fall into a single class, scholastic,¹ and these were probably from Suetonius. We have then :

1) Classical use, *libertinus* equals *libertus*, with the distinctions between them as noted on the preceding pages.

2) Late classical and following, as indicated by Tacitus and 'Auct. Vir. Illustr.,' *libertinus* equals *libertus* and descendants.

3) According to Suetonius, for early republican times, *libertinus* equals *liberti filius*.

LIBERTUS AND LIBERTINUS IN THE LAW CODES.

Gaius, (Inst.), uses *libertus* 43 times, *libertinus* 10 times and conforms fairly well to the use of the words in literature. There is this difference, however, owing to the nature of the work, that a choice must sometimes be made between *libertus* and *libertinus* in cases where the circumstances partake of the nature of each. Compare the two following passages.

Gaius 3, 43. In bonis libertinarum nullam iniuriam antiquo iure patiebantur patroni: cum enim hae in patronorum legitima tutela essent, non aliter scilicet testamentum facere poterant quam patrono auctore.

Gaius 3, 49. Patronae olim ante legem Papiam hoc solum ius habebant in bonis libertorum quod etiam patronis ex lege XII tabularum datum est.

These two passages are very much alike ; but the use of *libertinarum* in the first would indicate that the author is speaking of a class of persons ; whereas, in the second passage, the first concept seems to have concerned a patroness, and by the use of *libertorum*, he designates individuals belonging to that patroness.

¹ In the passages quoted above from the Theodosian Code, while the word seems to be used in a non-classical sense, it is not definitely defined, and it is not clear whether the author was following the Suetonian use or not.

In five of the ten places where *libertinus* is used in Gaius, patrons are directly referred to, or their relationship is implied. In two of these cases it is clear that the class of persons referred to were once slaves.¹

Where the circumstances are such as to give opportunity for a clear distinction between the two words, Gaius follows the classical use.²

Ulpian, (Reg.), uses *libertus* 21 times, *libertinus* 6 times. He follows fairly well the literary use of the words. But in 1, 5, *libertorum genera sunt tria, cives Romani, Latini Iuniani, dediticiorum numero*, may seem at first sight to be the same as Gaius 1, 11, *Rursus liberorum hominum alii ingenui sunt, alii libertini. Ingenui sunt qui liberi nati sunt; libertini, qui ex iusta servitute manumissi sunt. Rursus libertinorum [tria sunt genera: nam aut cives Romani aut Latini aut dediticiorum]*³ *numero sunt*.

The reason that Ulpian uses *libertorum* here is that he is looking at the legal side, that is, he is thinking of the three kinds of men that have been manumitted; in other words, the idea of 'the manumitted man' is prominent in his mind. This would influence him to use *libertus*; while it is clear that the mind of Gaius in the place cited was dwelling rather on a class of men, whom he was distinguishing from the *ingenui*, and this calls for *libertinus*.

In the corpus of Justinian, the number of occurrences of the two words is about as follows: Dig. *libertus* 820, *libertinus* 54; Cod. *libertus* 100, *libertinus* 19; Inst. *libertus* 41, *libertinus* 12; Total *libertus* 961, *libertinus* 85.

We have of course in these writings the work of a number of different jurists, and at this late date the two words are well dis-

¹ Gaius 1, 11 and 3, 56.

² Bk. 3, 50-51. Sed lex Papia duobus liberis honoratae ingenuae patronae, libertinae tribus, eadem fere iura dedit quae ex edicto praetoris patroni habent; trium vero liberorum iura honoratae ingenuae patronae ea iura dedit quae per eandem legem patrono data sunt; libertinae autem patronae non idem iuris praestitit. Quod autem ad libertinarum bona pertinet, si quidem intestate decesserint, nihil novi patronae liberis honoratae lex Papia praestat: itaque si neque ipsa patrona neque liberta capite deminuta sit, ex lege XII tabularum ad eam hereditas pertinet et excluduntur libertae liberi.

³ The words in brackets are supplied by Göschen from the Epit. of Gaius.

tinguished, but with the same tendency of *libertus* to enroach upon the field of *libertinus* that was noted in Gaius.

In the other writings of jurisprudence before the date of Justinian, except in the Theodosian Code, the two words are used in about the same manner as in Gaius and the Justinian corpus.

In the law codes, the relationship to patron seems to play a more important part in distinguishing the two words than in literature; and we might reasonably expect this. The most of the laws concerning freedmen are enactments regulating the relation between them and their patrons. The noun characteristic, (that is the concept of a 'manumitted man'), is also usually present. Both of these features are more characteristic of *libertus* than of *libertinus*, and this may account for the frequent use of *libertus* in the law codes when there is some room to expect *libertinus*.

The two words are not very frequent in the Theodosian Code, (*libertus* 16, *libertinus* 8 times), but the compilers of this code seem to have made a distinction between them that is not found in the other law codes.

Cod. Theod. 4, 6, 2 (Goth.). Ceteris (quae) de eorum matribus, libertis libertinisque per novam constitutionem decreta sunt.

Cod. Theod. 8, 13, 1. Liceat matribus, si impios filios probare se posse confidunt, publice adire iudicia. Matrem autem ingenuam, liberam, libertam, libertinam, cui scilicet civitatis Romanae iura quaesita sunt, ita ut queri antiquo iure poterant accipi audiriue decernimus; itemque filios filias, ingenuos ingenuas, libertos libertas, libertinos libertinas, cives pari condicione Romanos.

It is quite evident that the author had in mind here two distinct classes of persons in the use of *libertus* and *libertinus*; but it is not clear what the distinction is. It may be that he uses *libertinus* in the sense of the son of a freedman. That interpretation would satisfy the passage.¹ It should be noted in this connection that Cod. Theod. 4, 6, 3, (Haen.), uses *libertae filia* to designate the daughter of a freedwoman and that the Theodosian Code, 4, 8, 6, (Haenel), very clearly uses *libertinus* in reference to men that had once been in slavery, for the following sentence speaks of their

¹ Gothofredus and Haenel make this interpretation and cite Suet. Claud. 24.

manumission, and the words *rursus servitutem relabuntur* in the sentence with *libertinus* would indicate the same.

CITATIONS FROM THE LAW CODES.

Fragmenta Vaticana, *Libertus*: 131; 132; 152; 160; 211; 220; 224; 225; 272; 307; 308; 309.

Libertinus: 226.

Gaius, Inst. *Libertus*: 1, 165; 1, 174; 1, 179; 2, 266; 2, 267; 3, 39; 3, 40; 3, 41; 3, 42; 3, 46; 3, 47; 3, 49; 3, 51; 3, 52; 3, 57; 3, 58; 3, 60; 3, 61; 3, 62; 3, 64; 3, 72; 3, 74; 4, 44; 4, 46; 4, 162.

Libertinus: 1, 10; 1, 11; 1, 12; 3, 43; 3, 44; 3, 50; 3, 51; 3, 56; 3, 64.

Codex Gregor., *Libertus*: 6, 1; 7, 1; 13, 1.

Iurispr. Ante-Hadr., *Libertus*, Vol. I, p. 72; Vol. II, pp. 265; 282; 321; 322; 471; 562.

Libertinus, Vol. II, pp. 265; 322; 349; 483.

Cod. Justin., *libertus*, 1, 12, 6; 1, 18, 8; 2, 2, 2; 2, 6, 2; 2, 12, 12; 2, 41, 2; 2, 55, 6; 3, 28, 37; 4, 13, 5; 4, 20, 12; 5, 4, 3; 5, 4, 15; 5, 4, 28; 5, 5, 1; 5, 5, 7; 5, 12, 24; 5, 30, 5; 5, 37, 10; 5, 62, 5; 5, 62, 13; 6, 3, 1; 6, 3, 4; 6, 3, 6; 6, 3, 9; 6, 3, 11; 6, 3, 12; 6, 3, 13; 6, 4, 1; 6, 4, 2; 6, 4, 3; 6, 5, 1; 6, 5, 2; 6, 6, 2; 6, 6, 5; 6, 6, 6; 6, 6, 7; 6, 7, 1; 6, 7, 3; 6, 8, 2; 6, 13, 2; 6, 21, 7; 6, 24, 3; 6, 27, 2; 6, 28, 5; 6, 37, 17; 6, 58, 14; 7, 2, 10; 7, 4, 7; 7, 6, 1; 7, 7, 1; 7, 7, 9; 7, 14, 1; 7, 15, 1; 7, 16, 8; 7, 21, 1; 7, 24, 1; 7, 38, 1; 8, 5, 1; 8, 46, 8; 8, 47, 3; 8, 50, 11; 8, 51, 3; 8, 55, 1; 9, 1, 21; 9, 31, 1; 9, 32, 5; 9, 35, 6; 10, 33, 1; 11, 53, 1; 12, 1, 9.

Libertinus, 1, 4, 24; 1, 17, 2, 7; 2, 22, 6; 5, 6, 4; 5, 62, 3; 6, 7, 4; 6, 8, 2; 7, 14, 2; 7, 14, 8; 7, 14, 9; 8, 51, 3; 8, 58, 2; 9, 13, 1; 9, 21, 1; 10, 58, 1.

Dig., *Libertus*, 1, 1, 4; 1, 5, 26; 1, 8, 6; 1, 9, 9; 1, 12, 1, 10; 2, 1, 10; 2, 4, 8; 2, 4, 10; 2, 4, 11; 2, 4, 12; 2, 4, 14;

2, 4, 15 ; 2, 4, 23 ; 2, 4, 25 ; 2, 7, 2 ; 2, 2, 10 ; 2, 11, 10 ;
 3, 3, 35 ; 3, 5, 7 ; 3, 5, 30 ; 7, 8, 2 ; 7, 8, 6 ; 9, 3, 5 ;
 10, 2, 41 ; 11, 3, 141 ; 11, 7, 6 ; 12, 2, 13 ; 12, 2, 16 ;
 12, 2, 30 ; 12, 4, 11 ; 12, 6, 26 ; 12, 6, 40 ; 14, 3, 19 ;
 15, 3, 1, 14 ; 17, 1, 12 ; 17, 2, 10 ; 18, 6, 19 ; 19, 1, 23 ;
 19, 1, 43 ; 19, 1, 45 ; 19, 5, 5 ; 21, 1, 17 ; 21, 2, 26 ;
 22, 3, 14 ; 22, 3, 18 ; 22, 5, 14 ; 23, 2, 13 ; 22, 2, 28 ;
 23, 2, 37 ; 23, 2, 45 ; 23, 2, 46 ; 23, 2, 48 ; 23, 2, 50 ;
 23, 2, 57 ; 23, 2, 64 ; 23, 2, 66 ; 23, 2, 69 ; 24, 1, 9 ;
 24, 1, 62 ; 24, 2, 9 ; 24, 2, 10 ; 24, 3, 61 ; 24, 3, 64 ;
 25, 3, 5, 18 ; 25, 3, 5, 21 ; 25, 3, 5, 22 ; 25, 3, 5, 23 ;
 25, 3, 5, 24 ; 25, 3, 5, 25 ; 25, 3, 6 ; 25, 3, 9 ; 25, 6, 2 ;
 25, 6, 3 ; 26, 1, 8 ; 26, 2, 28 ; 26, 4, 1 ; 26, 4, 3 ; 26,
 5, 13 ; 26, 5, 14 ; 26, 5, 27 ; 26, 7, 12 ; 26, 7, 58 ;
 26, 9, 3 ; 26, 9, 9 ; 27, 1, 24 ; 27, 1, 30 ; 27, 1,
 43 ; 27, 1, 45 ; 27, 2, 1 ; 27, 3, 1 ; 28, 2, 13 ; 28, 5, 66 ;
 28, 5, 79 ; 29, 1, 37 ; 29, 2, 73 ; 29, 4, 5 ; 30, 81 ; 30,
 95 ; 30, 108 ; 30, 114 ; 31, 13 ; 31, 29 ; 31, 24 ; 31, 67 ;
 31, 77 ; 31, 79 ; 31, 87 ; 31, 88 ; 31, 89 ; 32, 35 ; 32, 37 ;
 32, 38 ; 32, 39 ; 32, 41 ; 32, 83 ; 32, 83 ; 32, 94 ; 32, 97 ;
 32, 102 ; 33, 1, 9 ; 33, 1, 10 ; 33, 1, 13 ; 33, 1, 18 ; 33,
 1, 20 ; 33, 1, 21 ; 33, 2, 19 ; 33, 2, 33 ; 33, 2, 34 ; 33,
 2, 35 ; 33, 4, 1 ; 33, 7, 3 ; 33, 7, 20 ; 33, 7, 27 ;
 33, 8, 19 ; 33, 8, 22 ; 33, 8, 23 ; 34, 1, 2 ; 34, 1, 3,
 34, 1, 5 ; 34, 1, 8 ; 34, 1, 9 ; 34, 1, 10 ; 34, 1, 12 ; 34,
 1, 13 ; 34, 1, 15 ; 34, 1, 16 ; 34, 1, 18 ; 34, 1, 19 ; 34,
 1, 20 ; 34, 1, 22 ; 34, 2, 4 ; 34, 3, 31 ; 34, 4, 13 ;
 34, 4, 30 ; 34, 5, 9 ; 34, 5, 11 ; 34, 9, 1 ; 35, 1, 33 ;
 35, 1, 43 ; 35, 1, 71 ; 35, 1, 84 ; 35, 1, 101 ; 35, 2, 25 ;
 35, 2, 52 ; 36, 1, 46 ; 36, 1, 80 ; 37, 4, 20 ; 37, 12, 1 ;
 37, 14, 1 ; 37, 14, 4 ; 37, 14, 5 ; 37, 14, 6 ; 37, 14, 7 ;
 37, 14, 8 ; 37, 14, 9 ; 37, 14, 10 ; 37, 14, 12 ; 37, 14, 13 ;
 37, 14, 15 ; 37, 14, 16 ; 37, 14, 17 ; 37, 14, 18 ; 37, 14, 19 ;
 37, 14, 20 ; 37, 14, 21 ; 37, 14, 23 ; 37, 14, 24 ; 37, 15, 4 ;
 37, 15, 7 ; 37, 15, 8 ; 37, 15, 9 ; 37, 15, 10 ; 37, 15,
 11 ; 38, 1, 2, 1 ; 38, 1, 3, 1 ; 38, 1, 4 ; 38, 1, 7 ; 38,
 1, 7, 1 ; 38, 1, 8 ; 38, 1, 8, 1 ; 38, 1, 10 ; 38, 1, 10, 1 ;

38, 1, 12 ; 38, 1, 13, 1 ; 38, 1, 13, 3 ; 38, 1, 13, 4 ; 38, 1, 13, 5 ; 38, 1, 15 ; 38, 1, 15, 1 ; 38, 1, 16 ; 38, 1, 18 ; 38, 1, 20 ; 38, 1, 22, 1 ; 38, 1, 22, 2 ; 38, 1, 23 ; 38, 1, 23, 1 ; 38, 1, 24 ; 38, 1, 25 ; 38, 1, 25, 1 ; 38, 1, 25, 2 ; 38, 1, 25, 3 ; 38, 1, 26-51, (continuous discussion of the word, 29 times) ; 38, 2, 1 ; 38, 2, 1, 1 ; 38, 2, 2 ; 38, 2, 2, 1 ; 38, 2, 2, 2 ; 38, 2, 3 ; 38, 2, 3, 6 ; 38, 2, 3, 7 ; 38, 2, 3, 9 ; 38, 2, 3, 14 ; 38, 2, 3, 18 ; 32, 2, 3, 19 ; 38, 2, 3, 20 ; 38, 2, 4 ; 38, 2, 4, 1 ; 38, 2, 4, 2 ; 38, 2, 4, 3 ; 38, 2, 5 ; 38, 2, 5, 1 ; 38, 2, 6 ; 38, 2, 8 ; 38, 2, 9 ; 38, 2, 10-18 (37 times) ; 38, 2, 20-29 (15 times) ; 38, 2, 30-37 (21 times) ; 38, 2, 38-51 (36 times) ; 38, 3, 1 ; 38, 4, 1 ; 38, 4, 2 ; 38, 4, 3, 1 ; 38, 4, 3, 3 ; 38, 4, 3, 4 ; 38, 4, 3, 7 ; 38, 4, 4 ; 38, 4, 5 ; 38, 4, 6 ; 38, 4, 7 ; 38, 4, 8 ; 38, 4, 9 ; 38, 4, 10 ; 38, 4, 11 ; 38, 4, 12 ; 38, 4, 13 ; 38, 5, 1-13 (36 times) ; 38, 11, 1 ; 38, 16, 3 ; 38, 17, 2 ; 39, 5, 8 ; 39, 5, 16 ; 40, 1, 7 ; 40, 4, 50 ; 40, 5, 4 ; 40, 5, 25 ; 40, 5, 28 ; 40, 5, 30 ; 40, 5, 31 ; 40, 5, 33 ; 40, 5, 34 ; 40, 5, 36 ; 40, 5, 41 ; 40, 5, 53 ; 40, 8, 5 ; 40, 8, 10 ; 40, 9, 30 ; 40, 9, 31 ; 40, 9, 32 ; 40, 10, 1 ; 40, 11, 4 ; 40, 11, 5 ; 40, 12, 3 ; 40, 12, 4 ; 40, 12, 5 ; 40, 12, 37 ; 40, 12, 38 ; 40, 12, 39 ; 40, 14, 1 ; 40, 14, 6 ; 40, 15, 1 ; 42, 1, 19 ; 42, 1, 63 ; 42, 8, 17 ; 43, 1, 2 ; 43, 1, 16, 43 ; 43, 29, 3 ; 44, 4, 4 ; 44, 5, 1 ; 44, 5, 2 ; 45, 1, 73 ; 45, 1, 126 ; 45, 3, 38 ; 46, 1, 56 ; 46, 3, 98 ; 46, 4, 13 ; 47, 2, 90 ; 47, 2, 92 ; 47, 4, 1 ; 47, 4, 7 ; 47, 10, 7 ; 47, 10, 11 ; 48, 2, 11 ; 48, 4, 7 ; 48, 4, 9 ; 48, 5, 25 ; 48, 5, 34 ; 48, 5, 39 ; 48, 5, 43 ; 48, 10, 6 ; 48, 10, 14 ; 48, 10, 22 ; 48, 18, 1 ; 48, 18, 20 ; 48, 20, 8 ; 48, 22, 16 ; 48, 23, 1 ; 49, 14, 2 ; 49, 17, 6 ; 50, 1, 22 ; 50, 4, 3 ; 50, 16, 58 ; 50, 16, 70 ; 50, 16, 105 ; 50, 16, 172 ; 50, 16, 195 ; 50, 17, 69 ; 50, 17, 126.

Dig., *Libertinus*, 1, 2, 2, 7 ; 1, 5, 5 ; 1, 5, 21 ; 1, 5, 25 ; 1, 5, 27 ; 22, 3, 14 ; 22, 4, 6 ; 23, 2, 8 ; 23, 2, 23 ; 23, 2, 27 ; 23, 2, 31 ; 23, 2, 32 ; 23, 2, 34 ; 23, 2, 42 ; 23, 2, 44 ; 23, 2, 47 ;

23, 2, 56; 26, 4, 1; 26, 5, 27; 27, 1, 44; 28, 8, 11;
 29, 2, 22; 37, 14, 2; 38, 1, 2; 38, 1, 37; 38, 2, 5;
 38, 2, 20; 38, 5, 1, 5; 38, 7, 2; 38, 10, 4; 38, 17, 1;
 38, 17, 2; 40, 11, 5; 40, 14, 6; 40, 15, 4; 47, 10, 9;
 48, 2, 8; 48, 5, 43; 48, 20, 7; 50, 4, 3; 50, 16, 46.

Inst. Justin., *Libertus*, 1, 12, 6; 1, 16, 1; 1, 17; 1, 19; 1, 26,
 11; 2, 5, 2; 2, 24, 2; 3, 8, pr.; 3, 8, 1; 3, 8, 2; 3, 8,
 3; 3, 8, 4; 3, 9, pr.; 3, 9, 1; 3, 9, 2; 3, 27, 10; 4, 6,
 13; 4, 25, 1; 4, 26, 3.

Libertinus, 1, 3, 5; 1, 4, pr.; 1, 5, pr.; 1, 5, 3; 3, 3, 4; 3, 8,
 4; 3, 10, 2.

Mos. et Rom. Leges, *Libertus*, 4, 3.

Libertinus, 4, 3; 4, 4; 4, 5; 14, 2; 16, 8.

Julius Paullus, *Libertus*, 1, 1; 1, 1, 2; 1, 12, 4; 2, 19, 9; 2,
 19, 9 e; 2, 21 A; 2, 29, 1; 2, 32, 1; 3, 2, 1-4 b; 3, 3,
 1; 3, 6, 91 b; 4, 1, 12; 4, 1, 16; 4, 10, 2; 4, 14 A; 5,
 6, 15; 5, 12, 2 a; 5, 15, 3; 5, 16, 11.

Libertinus, 4, 9, 1; 4, 9, 7; 5, 30 b, 1.

Codex Theod., *Libertus*, 2, 19, 3; 2, 27, 1; 4, 6, 3; 4, 6, 8;
 4, 10, 1; 4, 10, 2; 4, 22, 4; 8, 13, 1; 8, 13, 3; 9, 6, 1;
 9, 6, 4; 9, 20, 1.

Libertinus, 4, 6, 8; 4, 8, 6; 4, 10, 3; 8, 13, 1; 14, 3, 9; 14, 3, 10.

Ulpian. (Reg.), *Libertus*, 1, 5; 1, 6; 2, 8; 11, 27; 19, 11; 22, 5;
 27, 1; 29, 1; 29, 2; 29, 3; 29, 4; 29, 5.

Libertinus, 12, 3; 13, 1; 16, 2; 26, 8; 29, 6.

SUMMARY AND CONCLUSION.

In the distinction and definition of the words *libertus* and *libertinus*, our test and guide is their grammatical form. *Libertus* was always a noun. The suffix *-to* suggests that it ought to mean 'one who has been freed from slavery,' and in fact it never does mean any thing else. 'Relationship to patron' (see dictionaries), is merely an attendant circumstance, though as a matter of course it is frequently present. From first to last *libertus*, so far as meaning is concerned is, as Isidorus said, "quasi liberatus."

Libertinus is always an adjective, either attributive or substantive with the associations of the attributive. Both the attributive and the substantive use occur freely throughout the literature. The suffix *-īno* suggests that *libertinus* ought to mean 'one who is reckoned in the rank, the class, the category of *liberti*.' Such, in fact, is its meaning. But the boundaries of *libertinus* from the nature of it, are not so clearly drawn as those of *libertus*. Every *libertus* is thereby a *libertinus*. So in the large majority of cases, a *libertinus* is a *libertus*, but the possibility on the part of *libertinus* to extend beyond is not precluded by its grammatical form, and is also encouraged by the fact that the legal and social disabilities of a *libertus* as such did not end with him but were transmitted to his descendants. In other words, *libertinus* might possibly refer to the children or the descendants of a *libertus* as well as to the *libertus* himself. And indeed, though they are extremely rare, there are undoubted traces of the fact that the use of *libertinus* was extended in this way.

According to Suetonius, *libertinus* had a different meaning in the time of the early republic, being restricted to the free-born sons of *liberti*. This statement was widely accepted by mediaeval writers, some of whom not only accepted it for pre-literary times but actually used the word themselves in that sense. More recent writers, especially in the field of law, are also influenced by Suetonius, and the most of our modern Latin dictionaries seem to accept his statement. This sentiment appears nowhere before the date of Suetonius. The formation of the word, the unmistakable evidence that it was used as early as the time of Plautus to designate manumitted men, and the fact that no other Latin author speaks of the word ever having this restricted meaning, seem to discredit the statement of Suetonius.

In the field of jurisprudence, the writers observe fairly well the classical usage; but with some tendency to use *libertus* to refer to a class of men rather than to designate individuals, this being caused, no doubt, by the nature of the subject matter.

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